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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,731	03/30/2000	Kenneth J. Myers	BEU/FORESITE4	8860

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EXAMINER
WINSTEDT, JENNIFER E

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 03/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/538,731	MYERS, KENNETH J.	
	Examin r	Art Unit	
	Jennifer E Winstedt	2872	

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8 and 10-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8 and 10-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 11 are depended on claim 9. Since claim 9 has been canceled, it is impossible to ascertain the true scope of claims 10 and 11.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell (U.S. Patent 5,483,254).

Regarding claims 10 and 11, Powell discloses a stereoscopic effects device that has a housing that is a housing of a handheld video game player (column 2, lines 4-7) and a video display screen that is an LCD screen (column 2, lines 40-43).

Claim R jecti ns - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheiman (U.S. Patent 4,588,259) in view of Chikazawa (U.S. Patent 5,896,225) and Powell (U.S. Patent 5,483,254).

Regarding claim 8, Sheiman discloses a stereoscopic effects device comprising an image interlacing arrangement including at least one video display screen (10, Figure 7); a microprism sheet (16, Figure 7) including a substrate (22, Figure 7) and a plurality of grooves having intersecting sides that form a v-shape (24, Figure 7), the sides of the grooves forming first and second sets of substantially planar surfaces (24, Figure 7); wherein the sides of the grooves are respectively arranged to refract light from first and second image sources (12, 14, Figure 7) so that the light from separate first and second images on the video display screen exits the microprism sheet to form an interlaced image (20, Figure 2); polarizers situated between the video display screen and the microprism sheet (15, 17, Figure 7); and polarized filters situated between the microprism sheet and respective left and right eyes of a person (27, 29, Figure 7). Sheiman does not disclose the sides of the grooves being arranged so that light exits the microprism sheet in parallel and all of the components of the stereoscopic effects device (the video display screen, the microprism sheet, polarizers, and polarized filters)

being situated in a common housing. Chikazawa discloses grooves of a microprism sheet that are arranged such that light from first and second images exits the microprism sheet in parallel (12, Figures 8 and 9 and column 3, lines 16-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the grooves of Sheiman be arranged such that light exits the microprism sheet in parallel as Chikazawa suggests in order to produce a simple and inexpensive arrangement which visualizes a stereoscopic image via a pixel-like registration and/or display (column 1, lines 24-26; Chikazawa). Powell discloses that having all components of a stereoscopic effects device be situated in a common housing is well known in the art (column 11, lines 62-63; the components of the stereoscopic display would have to be situated in a common housing or the hand-held computer game could not be handheld). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have all of the components of the stereoscopic effects device of the combination be situated in a common housing as Powell suggests in order to allow a user the flexibility of using the device whenever and wherever the user desires.

Regarding claim 12, the combination discloses the claimed invention as described above except for the video display screen being an LCD screen. Powell discloses that the use of LCD screens is well known in the art (column 2, lines 40-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the video display screen of the combination be an LCD screen as Powell

suggests in order to provide a very flat viewing screen and a light-weight portable display device (column 2, lines 43-46; Powell).

Response to Arguments

7. Applicant's arguments filed 12/21/01 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument neither Sheiman nor Powell discloses or suggests placement of a microprism sheet, polarizers, and polarized filters in a common housing, the examiner points out that Powell discloses that placing all components of a stereoscopic effects device in a common housing is well known. The teaching of the components of the stereoscopic effects device comprising a microprism sheet, polarizers, and polarized filters comes from Sheiman. The motivation to combine the teaching of Powell with the teachings of Sheiman is to be able to more easily transport the stereoscopic effects device around and allow a user to use the device whenever and wherever the user desires. Therefore, the combination of Sheiman and Powell does indeed suggest placement of a microprism sheet, polarizers, and polarized filters in a common housing.

In response to applicant's argument that since Sheiman's polarized filters are in the form of glasses designed to be worn by a user, Sheiman's filters could not be placed in a housing, the examiner points out that Figure 7 of the reference shows polarized filters that are not in the form of glasses designed to be worn by a user. Therefore, there is at least one embodiment of Sheiman that has polarized filters that can be placed in a housing.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the housing cropping or masking the images so that ghost images are not visible, the housing limiting the field of view, or the housing fixing the polarized filters with respect to the other components) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically, the term "housing" is not explicitly defined in claims 8 and 12 and can therefore refer to any housing ranging from the building the stereoscopic device is located in to a cardboard box the device is shipped to a user in to a housing of a handheld device. Also, none of the claims require the housing to crop the images or limit the field of view or fix the polarized filters with respect to the other components.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E Winstedt whose telephone number is (703) 305-0577. The examiner can normally be reached on 7:30-17:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JW
February 27, 2002

Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800